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BROOKLYN OFFICE

05 CV 3864 (ARR)

NOT FOR ELECTRONIC
OR PRINT
PUBLICATION

OPINION
AND ORDER

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

TIN P. CHU,

Petitioner,

-against-

SUPERINTENDENT WILLIAM LAPE,

Respondent.

ROSS, United States District Judge:

By order dated July 5, 2006, the court stayed the instant petition at petitioner's request on the condition that petitioner pursue his state court remedies within the deadlines prescribed by the Second Circuit in Zarvela v. Artuz, 254 F.3d 374, 381 (2d Cir. 2001). By letter dated July 28, 2006, petitioner seeks an extension of time to exhaust his state court remedies. The court is limited by Second Circuit precedent and declines to grant petitioner's request for an extension. Should he decide to proceed with his exhausted claims, petitioner must file a motion with this court requesting that the stay be lifted. The court directs petitioner to file his motion to lift the stay within thirty days of the date of this order. Petitioner is advised that he may be barred from proceeding in this court if, he delays in seeking to reopen these proceedings.

SO ORDERED.

[Signature]
Allyne R. Ross
United States District Judge

August 15, 2006
Dated: *July 5, 2006*
Brooklyn, New York

SERVICE LIST

***Pro Se* Petitioner:**

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